

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION
NO. 17-CV-11847-JCB**

**JAMES DONES,
Plaintiff,**

VS.

**WOODS HOLE, MARTHA'S VINEYARD AND
NANTUCKET STEAMSHIP AUTHORITY,
Defendant-Third-Party Plaintiff.**

VS.

**KATHY MODIGLIANI,
Third-Party Defendant.**

STIPULATION OF DISMISSAL

Now come the Parties, in the above captioned civil action, and pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, hereby stipulate and agree as follows:

The Plaintiff's Count III (Maintenance & Cure), including but not limited to any and all claims related to his degenerative back condition and for treatment related to the September 28, 2014 incident, against the Defendant, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority, are hereby dismissed with prejudice and without costs to either party.

The Defendant/Third-Party Plaintiff, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority's Third-Party Complaint, including Count I (Contribution), Count II (Indemnity), Count III (Contribution & Indemnity for

Maintenance & Cure), and Count IV (Negligence), against Third-Party Defendant, Kathy Modigliani, are hereby dismissed with prejudice and without costs to either party.

WHEREFORE, the Parties hereby pray that this Honorable Court adopt this Stipulation and dismiss all Counts of the Plaintiff's Complaint and the Defendant/Third-Party Plaintiff, Woods Hole, Martha's Vineyard and Nantucket Steamship Authority's Third-Party Complaint with prejudice and without costs to any party.

For the Plaintiff,
By his attorneys,

"/s/Paul R. Kelley"
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For the Defendant/Third-Party
Plaintiff,
By its attorneys,

"/s/Kirby L. Aarsheim"
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For the Third-Party Defendant,
By her attorneys,

“/s/Kevin R. McNamara”

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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.2, I hereby certify that the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on March 1, 2019.

“/s/Kirby L. Aarsheim”

Kirby L. Aarsheim